IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3043/2006

(Jawan Ram Vs. State of Rajasthan & Ors.)

Date of Order : 23/02/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Himanshu Shrimali for the petitioner.
Mr. Rameshwar Dave, Deputy Government Advocate for the respondents.

BY THE COURT:-

Heard learned counsel for the parties.

By the instant writ petition, the petitioner seeks a direction to appoint him on the post advertised vide Annex.1.

The facts and circumstances giving rise to the instant writ petition are that the respondents advertised certain post of Constable, Constable (Operator), Constable (Band) and Constable (Horse-rider) etc. in the Department of Rajasthan Police. As per the Clause 3 of the advertisement, out of the total posts, 12.5% posts were reserved for ex-service man and 30% posts were reserved for women. A further classification was

made that in ex-service man and women reservation, the posts for SC/ST and Other Backward Class of these categories were reserved.

A reply to the writ petition has been filed wherein it has been stated that out of the five posts reserved for the ex-service man category, two posts were for SC ex-service man, one post for ST ex-service man, one post for OBC ex-service man and one post for general ex-service man. The petitioner has applied for ex-service man quota in OBC category. The meritorious person Shri Dula Ram having Roll No. 11354 being ex-service man in the category of OBC, was appointed and as per the classification of the reservation, one post for OBC ex-service man was reserved and that has been filled by Dula Ram who is ex-service man and more meritorious to that of the petitioner.

It has not been disputed by learned counsel for the petitioner that Dula Ram is meritorious in comparison to the petitioner. In the circumstances, therefore, it cannot be said that a rightful claim of the petitioner has been denied. A meritorious person from OBC ex-service man category Dula Ram has already been appointed and there being only one post for ex-service man OBC category, the petitioner cannot be

accommodated after the vacancy having been filled by Dula Ram.

In the circumstances, therefore, no case for interference is made out. The writ petition is therefore, dismissed. Stay petition also stands dismissed. No order as to costs.

(H.R.PANWAR),J.

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